

REMARKS

This responds to the Office Action mailed on September 18, 2007.

Claim 8 is amended, and no claims are canceled or added; as a result, claims 1-14 remain pending in this application.

§112 Rejection of the Claims

Claim 8 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claim 8 to clarify the claim. Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejection.

§102 Rejection of the Claims

Claims 1-9 and 12-14 were rejected under 35 USC § 102(c) as being anticipated by McGarvey (U.S. 6,643,774; hereinafter “McGarvey”). Applicant respectfully traverses the rejection of claims 1-9 and 12-14 because McGarvey fails to teach or suggest a client interacting with both an authorizer and a third party.

Applicant respectfully submits that the description of McGarvey, such as that cited in the Office Action with regard to McGarvey’s “FOURTH PREFERRED EMBODIMENT” beginning at col. 11, line 37 and elsewhere funnels all interactions through the server. The Office Action in the response to arguments asserts that the term “tunnels” is “suggestive that the actual transmission or provision of the certificate is at base between the client and the private key system, the latter corresponding to the authorizer.” Applicant respectfully traverses this assertion because, as is described in the remaining portion of this “FOURTH PREFERRED EMBODIMENT,” and as illustrated in FIG. 8, all interaction between the client and the private key system are funneled through the server. There is no teaching or suggestion of bypassing the central server. Applicant also respectfully submits that tunneling is a term of art used to establish links between networks, typically in an encrypted manner, and is generally not used to describe connections between computing devices or processes. Instead, tunneling typically refers to a network over which computing devices or processes communicate. The use of the term tunneling in McGarvey seems to suggest that a secure network is utilized rather than direct

client – authorizer and client – third-party communication as claimed. Independent claim 9 includes similar language as claim 1. Thus, Applicant respectfully submits that independent claims 1 and 9 are patentable because McGarvey fails to teach or suggest the claimed methods, namely direct client – authorizer and client – third-party communication.

Claims 2-8 and 12-14 depend, directly or indirectly from patentable independent claims 1 and 9, respectively, and are patentable for the same reasons, plus the elements of the claims. For example, claim 3 includes a one-time use certificate. Applicant respectfully submits that although the cited column 12, lines 30-35 and column 8, lines 8-13 of McGarvey may describe private key system tickets that are good only for a short period of time and tickets that limit use to a certain unit of work, McGarvey fails to teach or suggest a one-time use certificate as claimed.

Thus, Applicant respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of claims 1-9 and 12-14.

§103 Rejection of the Claims

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over McGarvey in view of Eastlake et al. ("XML-Signature Syntax and Processing," hereinafter "Eastlake").

Claim 11 was also rejected under 35 USC § 103(a) as being unpatentable over McGarvey in view of Ellison et al. ("SPKI Certificate Theory," hereinafter "Ellison").

In the rejections of claims 10 and 11, the Office Action provides Eastlake and Ellison to provide the additional elements introduced by claims 10 and 11, respectively. However, both Eastlake and Ellison fail to cure the deficiencies of McGarvey as discussed above with regard to the 35 U.S.C. § 102(e) rejections. Thus, Applicant respectfully submits that at least because , claims 10 and 11 depend, directly or indirectly, from patentable independent claim 9, claims 10 and 11 are also patentable. Withdrawal of the 35 U.S.C. § 103(a) rejection is earnestly requested.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, James Hallenbeck ((612) 373-6938), or Applicant's below-named representative ((612) 349-9592) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

VICTOR B. LORTZ

By his Representatives,
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 349-9592

By Ann M. McCrackin
Ann M. McCrackin
Reg. No. 42,858